

IN THE MISSOURI COURT OF APPEALS WESTERN DISTRICT

COMPLETE TITLE OF CASE

ELDON BUGG,

Appellant,

v.

JAMES L. RUTTER, JEAN GOLDSTEIN, and CHRISTY BLAKEMORE,

Respondents.

DOCKET NUMBER WD77690

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

DATE: April 21, 2015

APPEAL FROM

The Circuit Court of Moniteau County, Missouri
The Honorable Ralph H. Jaynes, Judge

JUDGES

Division III: Pfeiffer, P.J., and Witt and Gabbert, JJ.

CONCURRING.

ATTORNEYS

Eldon Bugg, Boonville, MO, Appellant, *pro se*.

Bruce Farmer, Columbia, MO, Attorney for Respondents Rutter and Goldstein.

Chris Koster, Attorney General, Jefferson City, MO, and Brandon D. Laird, Assistant Attorney General, Kansas City, MO, Attorneys for Respondent Blakemore.



MISSOURI APPELLATE COURT OPINION SUMMARY MISSOURI COURT OF APPEALS, WESTERN DISTRICT

ELDON BUGG,

Appellant,

v.

JAMES L. RUTTER, JEAN GOLDSTEIN,
and CHRISTY BLAKEMORE,

Respondents.

OPINION FILED:
April 21, 2015

WD77690

Moniteau County

Before Division III Judges:

Mark D. Pfeiffer, Presiding Judge, and Gary D. Witt and
Anthony Rex Gabbert, Judges

Eldon Bugg appeals from the Judgment of the Circuit Court of Moniteau County, Missouri, granting summary judgment to James L. Rutter, the personal representative of the Estate of Laura Downs ("Estate"), and Jean E. Goldstein, the attorney for Rutter and the Estate, on the basis that Mr. Bugg's claims were an improper collateral attack of a final judgment involving these parties; and granting summary judgment to Christy Blakemore, the Clerk of the Circuit Court of Boone County ("Clerk"), on the basis that the Clerk was entitled to immunity.

Before submission of this case, Rutter and Goldstein filed a motion with this court seeking sanctions against Mr. Bugg.

AFFIRMED.

Division III holds:

Mr. Bugg's fourth amended petition in the case underlying this appeal asserted tort claims arising out of the conduct of Rutter, Goldstein, and the Clerk related to the Estate and to the collection and distribution of \$35,248.84, all of which were related to a final probate judgment from the Circuit Court of Boone County, Missouri.

The tort claims concerning acts taken by Rutter and Goldstein in the probate case in response to the orders of the probate court are a collateral attack on the Boone County probate court's judgment and order of final distribution and discharge of the personal representative; therefore, summary judgment was proper.

Further, the Clerk's actions in transferring the funds held in the registry of the court in compliance with the probate court's order are entitled to absolute judicial immunity and summary judgment was proper.

For over thirteen years, in addition to the numerous appeals and writs in the probate case, Mr. Bugg has filed six separate tort actions against Rutter and Goldstein and has generated forty-four cases, all arising from the administration of the probate estate. Furthermore, Mr. Bugg has blatantly disregarded this Court's warning against such further frivolous litigation and appeals.

Mr. Bugg's ongoing vexatious litigation and frivolous appeals constitute intentional misconduct, justifying an award of attorneys' fees under the "special circumstances" exception to the American Rule. Pursuant to Rule 84.19, the Court grants Rutter and Goldstein's motion for sanctions for frivolous appeal, and assesses a sanction in the amount of \$6,000 (40 hours at \$150 per hour), against appellant Mr. Bugg and in favor of respondents Rutter and Goldstein. The Court further orders that Mr. Bugg shall not be permitted to initiate further civil appeals to this Court involving any of the respondent parties herein relating to the underlying fact pattern that this Court has now ruled upon for the eleventh time, unless and until Mr. Bugg has provided proof that he has complied with this Court's present sanction ruling.

Opinion by: Mark D. Pfeiffer, Presiding Judge

April 21, 2015

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THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.